

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-1-BO

JAMES E. LAWTON,

Plaintiff,

v.

CAMP LEJEUNE TOXIC WATER,


Defendant.

ORDER

On January 5, 2023, plaintiff filed a civil action in this court [D.E. 1], and on April 3, 2023, the court received plaintiff's \$402 filing fee. On July 28, 2023, this court dismissed plaintiff's complaint without prejudice for failure to exhaust administrative remedies and failing to state a claim upon which relief can be granted. *See* [D.E. 15]. On August 7, 2023, plaintiff moved for a refund of the \$402 filing fee [D.E. 16].

Plaintiff chose to file this case. There is no provision in the Federal Rules of Civil Procedure, the rules of this court, or the Camp Lejeune Justice Act of 2022 to permit the refund of a filing fee to a non-prevailing plaintiff. *See also Anderson v. Pruitt*, No. 1:10CV553, 2013 WL 664191, at *1 n. 2 (M.D.N.C. Feb. 22, 2013), *subsequently aff'd*, 529 F. App'x 341 (4th Cir. 2013) (stating that dismissal of the civil action did not relieve plaintiff of the obligation to pay the filing fee). Thus, the motion for a refund [D.E. 16] is DENIED.

SO ORDERED. This 11 day of September, 2023.


The Honorable Terrence W. Boyle
United States District Judge